

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, OCTOBER 4, 2005.

Board Members Present: **John F. Coates, Chairman**
 Steven E. Nixon, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Brad C. Rosenberger
 Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 Valerie H. Lamb, Finance Director
 John C. Egertson, Planning Director
 Paul Howard, Director of Environmental Services
 Peggy S. Crane, Deputy Clerk

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the Flag.

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Bossio stated a correction had been made on page 24 of the September 6, 2005 morning meeting to reflect that Mr. Nixon moved to enter into closed session, rather than Mr. Walker. He asked that the following changes be made to the agenda:

Under **CONSENT AGENDA**, add item c. The Board will consider approving the settlement of the Glattly/Albrecht litigation; and

Under **GENERAL COUNTY BUSINESS**, add **VOTING CREDENTIAL FOR THE ANNUAL VACo BUSINESS MEETING**; and **VACo BOARD OF DIRECTORS REGION 7 REPRESENTATIVE**.

Mr. Nixon moved, seconded by Mr. Lee, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the September 6, 2005 regular meetings were presented for approval.

Mr. Nixon moved, seconded by Mr. Lee, to approve the minutes as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving budget amendments for the Department of Human Services for additional funds in the areas of Daycare in the amount of \$148,629, and the public assistance program – AFDC – Foster Care in the amount of \$219,867, for a grand total of \$368,496;
- b. The Board will consider approving the acceptance of and appropriation of a grant for Families First received from St. Stephen's Episcopal Church in the amount of \$2,000; and
- c. **(Addition)** The Board will consider approving the settlement of the Glattly/Albrecht litigation.

Mr. Nixon moved, seconded by Mrs. Hansohn to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

INTRODUCTION OF NEW EMPLOYEE

Mr. Paul Howard, Director of Environmental Services, introduced Mr. Chris Hively, the new County Engineer, and provided background information on his education and experience. He said Mr. Hively would be supporting the development of a water and sewer infrastructure within the County and providing engineering services to the Building Official and Planning Department.

Mr. Hively thanked the Board for the opportunity to be a member of the Culpeper County team and assured them he would work hard to help the County achieve its mission and goals. Mr. Coates welcomed Mr. Hively to the County staff.

VIRGINIA BROADBAND PRESENTATION

Mr. Warren Manuel, President and CEO of Virginia Broadband LLC, made a presentation to the Board on Virginia Broadband (VABB). He provided information on his background and discussed the progress VABB had made since it began in Culpeper County in 2003. He also provided detailed information on the technical aspects of the concept and the

types of testing done using a cross-section of the service needs of businesses, residential customers, government users, and emergency responders. He noted that he anticipated that within the next 90 days, equipment would be placed on County towers in order to broadcast from 17 sites to reach the maximum number of subscribers and to eliminate "shadow effects" caused by interference. He said his plan was to expand coverage and provide cost-effective, high-speed wireless Internet access to every household, business and government agency in Culpeper County.

Mr. Chase and Mr. Manuel discussed service in the Stevensburg area, specifically the possibility of a relay on Mount Pony. Mr. Manuel noted that Mount Pony had been considered, but it was not feasible at the present time due to the activity in that area. Mr. Chase asked whether topo maps were used. Mr. Manuel replied that he used the GIS system.

Mr. Chase thanked Mr. Manuel for his excellent presentation.

VOTING CREDENTIAL FOR THE ANNUAL VACo BUSINESS MEETING

Mr. Bossio stated that a representative needed to be designated to cast the Board's vote at the 2005 annual VACo Conference to be held November 13-15, 2005. He said that Mr. Walker was on the VACo Board and would be attending the conference.

Mr. Chase moved to designate Mr. Walker as the voting representative. The motion died for lack of second.

Mr. Walker stated he did not believe he should be the voting representative because he served on the VACo Board.

Mr. Rosenberger stated that he planned to attend, but would not be present for the entire conference. Mr. Nixon indicated he planned to attend the entire conference.

Mr. Chase moved, seconded by Mr. Lee, to designate Mr. Nixon as the Board's voting representative and Mr. Rosenberger as the alternate.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

VACo BOARD OF DIRECTORS REGION 7 REPRESENTATIVE

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the resolution endorsing Mr. Walker to represent Region 7 on VACo's Board of Directors.

Mr. Walker thanked the Board for its support. He related his recent experience as Chair of the VACo and VML Interaction Committee in Richmond and stated that the advantages of the two groups working together were similar to what the County was trying to

do with regard to its consolidation efforts.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Bossio read the following resolution into the record:

A RESOLUTION ENDORSING
STEVEN L. WALKER
TO REPRESENT REGION VII
ON THE VIRGINIA ASSOCIATION OF COUNTIES
BOARD OF DIRECTORS

WHEREAS, Steven L. Walker is a duly elected member of the Culpeper County Board of Supervisors;

WHEREAS, Steven L. Walker filled an unexpired term on VACo's Board of Directors in November 2002, and was duly elected to serve a two-year term October 2003, and his current term on VACo's Board of Directors expires December 31, 2005; and

WHEREAS, he is willing to serve a two-year term on Virginia Association of Counties' (VACo) Board of Directors to represent Region VII; and

WHEREAS, recognizing the service, accomplishments and qualifications of Steven L. Walker, the Culpeper County Board of Supervisors wishes to express publicly its support for the election of Steven L. Walker; and

WHEREAS, the Board desires to express publicly its support of Steven L. Walker for this position;

NOW, THEREFORE, BE IT RESOLVED that the Culpeper County Board of Supervisors, on this 4th day of October 2005, does hereby endorse Steven L. Walker to serve a two-year term on the Board of Directors of the Virginia Association of Counties representing Region VII.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to James D. Campbell, Executive Director of the Virginia Association of Counties.

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors

ATTEST:

Frank T. Bossio, Clerk to the Board

UNFINISHED GENERAL COUNTY BUSINESS

RECONSIDERATION OF REQUEST TO CONVEY A FAMILY DIVISION WITHIN A FIVE (5) YEAR TIME PERIOD

Mr. John C. Egertson, Planning Director, explained that the Board had postponed this case for 60 days, and it was now before the Board for further consideration. He reminded the Board that Mr. Christian Chew had received a family division from his sister and brother-in-law,

a house had been constructed on the property, and it was in compliance with the family division article of the County's Subdivision Ordinance. He pointed out that Mr. Chew was out of compliance with Article 613.9.1 of the Subdivision Ordinance in that he had never occupied the home as his primary dwelling, which was a requirement of that Ordinance. He said that upon being cited for that violation, Mr. Chew and the grantor of the division, Mr. Anderson, met with him to explain the business and family issues that prevented Mr. Chew from moving into the dwelling and asked what options they had in view of the situation. He said he advised them the Code would allow the Board to approve an early transfer of the lot prior to the required five-year holding period, and they made that request to the Board in August. The Board raised several concerns and directed staff to review the issue and determine whether there were other options instead than approving the early transfer of the property.

Mr. Egertson stated that after further review, he had another option to present. He reported that Section 960 of the Subdivision Ordinance would allow the Board to waive certain provisions of the ordinance, and it would be within the Board's authority to waive Section 613.3.1 requiring Mr. Chew to actually occupy the dwelling as his primary residence. He said the three options now available were: (1) Deny early conveyance of the lot and provide no additional relief; (2) approve early conveyance, which would resolve the matter; or (3) deny early conveyance, but utilize Section 960 of the Code to vary the standards of Section 613.3.1 and waive the requirement to occupy the dwelling as a primary domicile for the five-year period.

Mr. Egertson stated that Mr. Anderson was in attendance to answer any questions.

Mr. Chase asked whether the applicant was agreeable to option #3. Mr. Egertson replied that Mr. Chew was in agreement and, since he could not occupy the home, a nephew of Mr. Anderson's, who had been residing there since construction, would continue to do so.

Mr. Nixon asked whether the ordinance allowed for the rental of the property. Mr. Egertson stated that the ordinance would normally require Mr. Chew to live in the dwelling, but if the Board provided relief under Section 960 of the Code, it could be rented and occupied by the relative or anyone else.

Mr. Chase stated the option #3 was a viable solution to keep the family partition intact. Mr. Egertson agreed that it was an option that would not circumvent the ordinance as far as the five-year period was concerned, but would circumvent the intent that Mr. Chew received to occupy the home himself.

Mr. Chase moved, seconded by Mr. Nixon, to adopt option #3 to permit occupancy of

the dwelling by other than the applicant for the next three years.

Mr. Nixon asked whether it was understood that Mr. Chew must retain the ownership of the property for the next three years, and he could then sell it. Mr. Egertson replied that Mr. Chew understood the terms of the waiver.

Mr. Rosenberger asked whether it should be clarified in the motion that option #3 was a variation of standards and the Board was allowing a variance from the Code. Mr. Chase agreed to add that statement to the motion. Mr. Nixon accepted the amendment.

Mrs. Hansohn asked whether similar cases had come before the Board during the recent past. Mr. Egertson stated he could think of only two or three cases for which the Board had granted an applicant's request to sell early due to hardship reasons, and he could recall only one case in which the Board denied that ability. He felt that four cases in the last six or seven years were not excessive.

Mr. Rosenberger explained the purpose and intent of the five-year rule was to stop people from circumventing the Subdivision Ordinance and the provisions should be upheld to avoid reverting back to the circumstances before the five-year rule was established.

Mr. David Maddox, County Attorney, directed that the record incorporate the reasons for this request as discussed during the Board's August meeting in order to meet the requirement that the variation of the ordinance would be in the public interest. See Exhibit A.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

**RECONSIDERATION OF VACATION AGREEMENT/STREET EXTENSION – RILLHURST
SUBDIVISION – SECTION 4**

Mr. Nixon stated he would abstain from discussing and voting on this case due to a conflict of interest. He also stated that he had submitted a statement regarding the conflict with the Deputy Clerk.

Mr. Egertson reminded the Board that Mr. Anthony Clatterbuck of Graystone Homes had asked for approval of a vacation of lot lines and street extension agreement at the September meeting and the case had been postponed for 30 days.

Mr. Egertson displayed a plat of Section 4 of the Rillhurst Subdivision and noted that the request was to rearrange a couple of lot lines at the end of a cul-de-sac and to allow a street extension into an R-1 zoned, 30-acre parcel. He said he had expressed objections to the request because the cul-de-sac would exceed 1,000 feet, which was the limit set in the

County Code; it would force the applicant to stub it into additional property and create the opportunity in the future for an inappropriate road through the Rillhurst Subdivision; and the intersection of Rillhurst Drive and Norman Road had no entrance improvements in place to handle any additional traffic created by development of the 30-acre parcel.

Mr. Egertson reported that since the last Board meeting, Mr. Clatterbuck had provided a new agreement containing language to ensure that the extension of the street would never go beyond that 30-acre parcel as configured at the present time and it would never serve more than nine additional lots off the extended cul-de-sac. He said that would alleviate his concerns regarding a through road and additional development since the current R-1 zoning on the 30 acres could theoretically accommodate as many as 28 lots. He noted that Mr. Clatterbuck had agreed to improve the intersection of Rillhurst Drive and Normal Road with the use of a 50-foot taper, which was the same type of improvement made at Alphin Lane at the other end of Rillhurst. He said this was a small improvement that would be a safety improvement, and it would not change the character of the entrance into the neighborhood. He stated that most of the concerns raised had been ameliorated, and it was ready for the Board's consideration.

Mr. Walker asked whether the agreement would preclude having a road through the 30-acre parcel in the future. Mr. Egertson replied that the agreement allowed Mr. Clatterbuck to develop nine houses on the 30-acre parcel and that would preclude anything else. He stated he could not guarantee that no one else would come before the Board at a future date and ask for a revision to the agreement.

Mr. Chase moved to approve the revised agreement submitted by Mr. Clatterbuck. Mr. Lee seconded for discussion purposes.

Mr. Lee asked why VDOT decided upon a taper lane versus an actual turn lane. Mr. Egertson replied that Mr. Clatterbuck and VDOT agreed the taper lane would be sufficient.

Mr. Coates stated that he had met with a property owner in the first section of Rillhurst, who indicated he had met with his neighbors and they did not oppose the street extension, but they did not want the entrance to the subdivision to be changed. Mr. Egertson agreed that the character of the entrance would not be changed in any way.

Mr. Coates questioned why Lot 6 was being split by the proposed extension. Mr. Egertson assured him that the lots would be rearranged and Lot 6 would not be split.

Mrs. Hansohn asked to what advantage would the agreement be to County. Mr. Egertson replied that if the Board denied the request, Rillhurst Section 4 would remain as it was and the 30-acre parcel would accommodate only one house because of the existing

access. He said by approving the agreement, the Board would ensure that the 30-acres with R-1 zoning would be limited to nine lots on a cul-de-sac and would prevent someone in the future, who might find a way to access the property from a different direction, from developing it to its fullest potential.

Mr. Walker recalled that Mr. Robert Bouquet, the property owner of the 30-acre parcel, mentioned at the September meeting that if he were able to sell the 30 acres, he planned to place the balance of his property into a conservation easement. He asked if there was any way to incorporate that in the agreement. Mr. Egertson stated he did not feel it would be appropriate to tie the off-site property to the agreement before the Board, but he was hopeful that Mr. Bouquet would follow through with a conservation easement.

Mr. Coates asked whether there would be a minimum buffer around the 30-acre tract. He said he understood the neighbors liked the buffer concept. Mr. Egertson stated that a buffer had not been discussed, but Mr. Clatterbuck could offer a buffer when going through the subdivision process, but it was not required.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Abstain - Nixon

Motion carried 6 to 0, with one abstention.

Mr. Coates recessed the meeting at 11:15 a.m.

Mr. Coates called the meeting back to order at 11:25 a.m.

COMMITTEE REPORTS

Mr. Coates asked for the Board's approval to hear the Rules Committee report next since there was an individual present from Richmond to make a presentation. There were no objections.

Mr. Lee asked that the Public Works Committee report be heard after the Rules Committee. There were no objections.

RULES COMMITTEE REPORT - SEPTEMBER 13, 2005

Mr. Walker reported that the Rules Committee met and discussed a resolution on the Public/Private Educational Act (PPEA). He said the Committee recommended that the resolution be forwarded to the full Board for approval after a briefing by an expert.

Mr. Maddox stated he had drafted guidelines based on guidelines prepared by other counties. He explained that the statute required that guidelines be adopted prior to participation in the PPEA program which would provide an alternative to the normal

procurement mechanism for capital projects.

Mr. Maddox introduced Mr. Chris Lloyd of McGuire Woods Consulting, who was an expert on the Public-Private Education Facilities and Infrastructure Act of 2002 and also a member of the committee that developed model guidelines.

Mr. Lloyd explained that McGuire Woods Consulting was the public affairs arm of McGuire Woods law firm in Richmond, Virginia. He stated that PPEA was patterned after the Public-Private Transportation Act passed in 1995, which allowed private companies to make unsolicited proposals for the development of transportation infrastructure. He said VDOT was awarding thousands of projects under the normal procurement process, while the PPTA was available as an alternative procurement tool for those complex and sophisticated projects where the private sector could share some of the risks. He noted that the General Assembly expressed interest in extending that concept to other types of procurement in Virginia and PPEA was enacted during the 2002 session, with the first comprehensive agreement being signed a year later.

Mr. Lloyd stated that PPEA was another tool for procuring infrastructure. He said it was a good procurement act and was viewed as a national model. He cited some of the problems were its slowness and its inflexibility in driving directly to the lowest bid for most projects. He said some of the efficiencies occurred with design and creativity, but it was a complex and sometimes a controversial process because it was different.

Mr. Lloyd stated that the PPEA process allowed for solicited or unsolicited proposals to be considered by the County. He said if the ordinance were adopted, the County could either solicit for private entities to come forward with solutions for developing infrastructure needs in the County or private developers could come forward with unsolicited proposals to meet a need in the County's CIP or other identified needs. He explained that a qualifying project was defined very broadly, education being the main one, but could include equipment to enhance public safety, utility and telecommunications infrastructure, recreational facilities, or technology infrastructure. He said that the law set a high standard that the public procurement process was the way to proceed unless it was demonstrated that due to the scope and complexity, economic benefits could be derived from entering into PPEA alternative competitive negotiations, but the public body had to demonstrate there was a public need, that the cost was reasonable, and it was going to result in timely delivery.

Mr. Lloyd noted out that the General Assembly had insisted that the localities charge the private entities a fee for reviewing any unsolicited proposal, and Mr. Maddox had outlined

the County's fees in the proposed guidelines. He said the fees were substantial, and the County could hire own attorneys, architects, engineers, and finance people to review the proposals and serve as the eyes and ears on the project.

Mr. Lloyd described some of the changes made in PPEA by the General Assembly during the 2005 session, such as clarifying the definition of a public facility, and stated that the County Attorney would be developing changes to be incorporated into the County's agreement at a later date. He said it was made clear that water and wastewater authorities could take advantage of PPEA. He stated that clarification regarding the proper use of the Freedom of Information Act would probably be forthcoming from the next General Assembly session.

Mr. Lloyd provided information on various localities that had used PPEA for major projects, such as Stafford County that executed the first comprehensive agreement for several school projects. He cautioned that PPEA did create friction on school projects between the School Boards and Boards of Supervisors, but it was not insurmountable. He said the General Assembly had made it clear that no School Board could enter into a comprehensive agreement without the concurrence of the Board of Supervisors.

Mr. Maddox stated that he had recently attended a Local Government Attorneys seminar that included a major presentation on PPEA, and he would continue to collect information from various sources regarding the process.

Mr. Lloyd indicated that the McGuire Woods website (MWCLLC.com) had a link on PPEA-PPTA which contained up-to-date information from all over the State regarding comprehensive agreements, proposals, guidelines, etc., and it would be an invaluable resource to learn what other local governments were doing in this area.

Mr. Coates asked whether towns were participating in the program. Mr. Lloyd replied that Herndon was the only town that had come forward with a proposal, but there may be more in the future. He said that mostly counties and cities were participating.

Mr. Rosenberger pointed out that towns did not have the obligation for education and there would be no need for them to use the program. Mr. Lloyd stated that the use covered education and infrastructure.

Mr. Walker moved, seconded by Mr. Nixon, to adopt the resolution that would approve the Culpeper County procedures to implement the Public-Private Education and Infrastructure Act of 2002.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates thanked Mr. Lloyd for his presentation.

Mr. Walker stated that the Rules Committee also discussed the Proposed Changes in the County's Workers' Compensation Policy and Related Procedures and recommended that the Board accept the changes to those procedures.

Mr. Walker moved, seconded by Mr. Nixon, to approve the proposed changes to the County's Workers' Compensation Policy.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated the Rules Committee considered an Increase of Plan Review Fees from \$37.50 to \$250 for commercial trade. He explained that the increase was due to increased costs in plan review at the commercial level.

Mr. Walker moved, seconded by Mr. Chase, to increase the plan review fees for commercial trade to \$250.

Mr. Nixon commented that the Building Official informed him that the fee of \$250 was a measure to recoup some of the expense involved, but was still \$150 short of what it cost to have the plans reviewed since there were no in-house staff to review these plans.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the last item from the Rules Committee was a recommendation for Board approval of a budget amendment to cover the expenditures for three additional inspectors and one office support personnel in the Building Official's Office.

Mr. Walker moved, seconded by Mr. Chase, to execute the budget amendments necessary to increase the Building Official's Office by three Building Inspectors and one Office Support person.

Mr. Walker stated that Mr. Myers was present to answer any questions.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - SEPTEMBER 13, 2005

Mrs. Hansohn reported that the Public Works Committee met and had two issues for the Board's consideration. She said that the community wells' issue had been returned to the Committee after the Board had discussed it at its last meeting in order to give further consideration to a situation in which someone could install a well and access would be needed to cross the property if piping were left.

Mr. Egertson stated that the issue before the Board was whether or not to advertise for a public hearing the proposed amendment to Chapter 14 which currently prohibits the drilling of individual wells on any lot where a central water supply system was already provided and available. He said the proposed amendment discussed last month included some criteria that would allow the possibility of drilling individual wells even where a central system was available with the following criteria: (a) The minimum lot size would be one acre; (b) the exemptions would only be available for people on central water supply systems that were in place and operational prior to October 5, 2004; (c) a site plan would be required to indicate the proposed individual well, as well as the surrounding drainfields and buildings; (d) the individual, on-lot well, if permitted, would not be allowed to be interconnected to the central water supply system in any way, and the individual drilling the well would have to physically disconnect from the central system; and (e) if the installation of an individual well was proven to have a negative influence on the quantity or quality of the water supplied by the central well system, the County could consider requiring it to be capped and prohibited from use.

Mr. Egertson pointed out that amended language had been added to item (d) to indicate that once an individual lot was disconnected from the central water supply system, the owner of the lot would continue to allow reasonable access to water lines which were on the property and which remained an integral part of the central system for maintenance, repair, and improvement purposes. He said the language had been added as a result of the Board's concern that there were many older systems than had lines across people's property and were not actually in recorded easements. He added that once an individual decided to drill his/her own well and met the stated criteria, the system owner would not be prevented from maintaining the lines that crossed that property to serve those who remained on the system.

Mr. Egertson stated there were still concerns regarding the financial impact on the central systems, but staff had addressed the issue from an environmental standpoint in order for the Board to move forward.

Mrs. Hansohn moved, seconded by Mr. Lee, to advertise the amendment for a public hearing.

Mr. Walker expressed his concern regarding the financial impact the amendment might have on the central system. He said that if too many people decided to leave the system, a financial hardship may be incurred by those who remained on the central system and would pay more to maintain it.

Mrs. Hansohn stated the the reason for the amendment was due to failing systems and poor water quality, and she felt it was appropriate to provide an option. She agreed that those who remained on the failing systems would need to be dealt with in another manner.

Mr. Nixon stated his objection to the policy was based on financial hardships and, even though individuals were allowed to dig their own wells, they would probably continue to get the same quality of water as they had in the municipal system. He said he did not have a problem with providing an option, but he did not believe it was a long-term solution and would probably cause more harm to the people who remained on the system because they would be bearing the burden of the system's repairs and maintenance costs. He said he would vote against moving forward for the reasons stated.

Mr. Coates commended the Public Works Committee for its hard work and stated he would support the motion. He pointed out that individuals who had water that they could not use were not using the system in any event. He suggested a special exception could be given to those who would be willing to share a well with others.

Mr. Chase stated that he would support the motion because he felt it was appropriate to provide homeowners with the option to dig their own wells. He said that those who could afford to buy a home in a subdivision could afford to dig their own wells.

Mr. Walker stated that he would support the motion, but he felt the financial aspect should be considered as well. He expressed his concern once again regarding the burden that would be placed on those who could not afford to leave the central system.

Mr. Lee stated that he had made the motion at the Committee level to bring the issue to the full Board for a public hearing. He said he also asked that staff explore further options for a long-term remedy.

Mr. Rosenberger pointed out that the motion was to bring the amendment forward for a public hearing, and there would be an opportunity to vote for or against after the hearing.

Mr. Nixon stated he would support the motion for a public hearing, but he felt the recommendations needed further consideration because no long-term solutions were provided.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of the meeting.

Mrs. Hansohn reported that the County Public Works Committee met with the Town Public Works Committee regarding ways both entities might partner on issues, such as the excess water and sewer capacity policy. She said a retreat had been scheduled for October 23, and she and Mr. Walker would appreciate receiving any comments the Board might have on that draft policy. She noted that the Town had approximately one million gallons of excess capacity which could be used in the environs of the County, and the Committees discussed having an objective third party participate in the retreat to review what the Town was proposing and what the County was proposed in order bring the two sides together.

Mr. Walker moved that the County join with the Town to hire a third-party engineering firm to look at the Town's existing system and the County's future system in order to develop a joint plan. He said that the Town's engineering firm and the County's engineering firm did not agree, and the intent was to bring in a third-party engineering firm to find some middle ground.

Mr. Lee seconded the motion.

Mr. Chase stated he would go on record that he was not in favor of spending any money to hire a third-party engineering firm. He said the two governmental bodies should be able to reach agreement without a third party.

Mr. Coates pointed out that no money could be spent until the Board had approved a specific amount.

Mr. Walker stated his motion was intended to approve moving forward with the concept, but both governing bodies would have to approve before consideration could be given to hiring the third-party engineering firm.

Mr. Rosenberger pointed out that the Town would also have to agree before any money was expended, and he believed everyone would agree that one centralized system was needed.

Mr. Bossio stated that discussions had been ongoing regarding improving the Town's current plant, and the fundamental point of disagreement was regarding what it would cost the Town to upgrade its current plant versus what it would cost to build a new plant. He said it was necessary to obtain one set of data everyone could agreed upon before a decision could be made and that was when the discussion arose regarding a third-party.

Mr. Chase stated that the decision regarding upgrading the current plant or building a

new plant was a Town decision. Mr. Bossio agreed, but added that the decision would affect both entities if the County and Town were going to be in a joint partnership.

Mr. Lee said it was important to have all parties on the same page in order to work jointly together and the issue was how best to approach that partnership.

Mrs. Hansohn stated that the County's engineers could take the County's program to the Town, and the Town could do the same, but at the present time the two were just beginning the discussions. She said the entire Town Council would be briefed on October 23, and she hoped a good dialogue would begin on how best to proceed.

Mr. Walker stated the essence of the motion on the table was to have the Town and County begin dialogue to see whether they could work together to create a regional system and have a third party analyze the data from both sides to arrive at one set of acceptable data. He said there was a possibility of additional monies involved, but both the Town and County were already paying their respective engineering firms, and it should be no more expensive to hire a third-party firm.

Mr. Chase pointed out that discussions were not beginning, but had been ongoing for a year or two. He also pointed out that both the County and Town had in-house engineers, and they could work together without extra costs.

Mr. Nixon called the question.

Mr. Rosenberger asked for clarification of the motion on the floor.

Mr. Walker stated his motion was to move forward with the concept of potentially hiring a third-party engineering firm to discuss the regional water and sewer issues, with the Town and the County sharing that expense.

Mr. Rosenberger stated he would agree to move forward with the concept to try to develop a regional system, but he would not support spending money at this point because the Town Council had not had the opportunity to discuss the issue.

Further discussion ensued regarding the intent of the motion and what should be included, particularly Mr. Chase's suggestion regarding the use of the in-house engineers.

Mr. Walker stated he would amend his motion to utilize the in-house engineers in the process. Mr. Lee accepted the amendment.

Mr. Chase stated he could not support the motion unless money for a third party was deleted.

Mr. Rosenberger stated he did not believe anyone disagreed with the principle, and the money issue could be dealt with at a later date.

Mr. Coates stated that all options should be explored, especially since the County would be facing some major decisions in the near future.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates asked for the Board's permission, due to the lateness of the hour, to enter into closed session and finish the Committee reports after the closed session. There were no objections.

Mr. Lee stated that the **BUILDINGS & GROUNDS COMMITTEE** met on September 13, but there were no action items.

See Attachment #3 for details of meeting.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (a) Readvertisement for appointment to the Agricultural Resource Advisory Committee; and (b) an appointment to the Parks & Recreation Advisory Committee.
2. Under *Virginia Code* §2.2-3711(A)(3), (A)(7) & (A)(30), for discussion with legal counsel and staff regarding contract negotiations for specific real property being used by the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
3. Under *Virginia Code* §2.2-3711(A)(3), (A)(7) & (A)(30), for discussion with legal counsel and staff regarding the acquisition of a real property interest in a public project, where discussion in an opening meeting would adversely affect the bargaining position or negotiating strategy of the County.
4. Under *Virginia Code* §2.2-3711(A)(1) & (A)(7), for discussion with legal counsel and staff the evaluation of a specific County department.
5. Under *Virginia Code* § 2.2-3711(A)(7), for consultation with legal counsel and staff regarding a specific matter which is likely to give rise to probable litigation against the County, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the County.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

The Board recessed at 2:00 p.m. for a lunch break.

The Board reconvened into closed session under previous motion stated at 3:15 p.m.

The Board returned to open session at 4:42 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase did not return for the second portion of closed session.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: READVERTISE VACANCY ON AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Walker, to readvertise for an appointment to the agri-business vacancy on the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

RE: READVERTISE VACANCY ON PARKS & RECREATION ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Walker, to readvertise for an appointment to represent the East Fairfax District on the Parks & Recreation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

RE: RESOLUTION FOR EXTENSION OF TIME TO DELIVER THE PERSONAL PROPERTY BOOK TO THE TREASURER

Mr. Nixon moved, seconded by Mr. Lee, to adopt a resolution of the Board of Supervisors of Culpeper County to request the Commissioner of the Revenue to request an extension of time to deliver the personal property book to the Treasurer.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

RE: RESOLUTION TO LOWER TAX RATE ON SPECIFIED TANGIBLE PERSONAL PROPERTY

Mr. Nixon moved, seconded by Mr. Lee, to adopt the resolution of the Board of Supervisors of Culpeper County to lower tax rate on specified tangible personal property.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

The Board returned to the order of the agenda.

COMMITTEE REPORTS (Continued)

E-9-1-1 BOARD OF DIRECTORS MEETING - SEPTEMBER 8, 2005

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met and was forwarding a recommendation to the full Board and Town Council that the amendment to terminate the Joint Records Center Agreement be approved.

Mrs. Hansohn moved, seconded by Mr. Nixon, to accept the recommendation from the E-9-1-1 Board of Directors to approve the agreement.

Mrs. Hansohn noted that the Sheriff was present to answer any questions.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

Mrs. Hansohn reported that the next item considered was the National Incident Management System (NIMS) Resolution and the Board of Directors was recommending that the resolution be adopted.

Mrs. Hansohn moved, seconded by Mr. Lee, to adopt the National Incident Management System resolution.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 1.

See Attachment #4 for details of meeting.

PUBLIC SAFETY COMMITTEE REPORT - SEPTEMBER 8, 2005

Mr. Nixon reported that the Public Safety Committee met and the Committee endorsed the E-9-1-1 Board of Directors' recommendation to adopt the NIMS resolution.

See Attachment #5 for details of meeting.

Mr. Coates announced that due to the lateness of the hour, the remaining reports on the agenda would be given at the November meeting.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 4:47 p.m. Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion passed 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

Approved: November 1, 2005